

UNREDACTED VERSION
OF EXHIBIT 25 SOUGHT
TO BE FILED UNDER
SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

--oOo--

WAYMO LLC,

Plaintiff,

Case

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

_____/

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK

VOLUME II

WEDNESDAY, SEPTEMBER 6, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2693569

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1 BY MR. GONZALEZ: 15:16:09

2 Q. Right.

3 But regardless of whatever they knew, your 15:16:10

4 state of mind, when you wrote this e-mail, was that 15:16:12

5 you didn't want lawyers suggesting to anyone that it 15:16:15

6 was suspicious to download the entire database because 15:16:18

7 you knew that that's how you programmed the 15:16:20

8 instructions to operate; correct? 15:16:21

9 MR. BAKER: Counsel, if you can let the witness 15:16:24

10 finish his answers, please. 15:16:27

11 MR. GONZALEZ: I thought he did.

12 MR. BAKER: And objection to form. 15:16:29

13 THE WITNESS: That was long. Could you repeat 15:16:30

14 that, please. 15:16:32

15 BY MR. GONZALEZ: 15:16:32

16 Q. Yeah. 15:16:32

17 The reason why it was making you 15:16:34

18 uncomfortable that lawyers would ascribe suspicion to 15:16:39

19 downloading the entire repository is because you knew 15:16:42

20 that anybody who followed your instructions would 15:16:46

21 automatically download the entire repository; true? 15:16:50

22 MR. BAKER: Objection to form. 15:16:51

23 THE WITNESS: I was concerned about setting a 15:16:55

24 precedent for that one action in isolation being in 15:17:02

25 and of itself a marker of suspicion. 15:17:06

1 THE WITNESS: I don't remember, actually. 16:02:19

2 BY MR. GONZALEZ: 16:02:19

3 Q. Did you report to the lawyers what you just 16:02:21

4 told me, that the activity of [REDACTED] looks essentially 16:02:25

5 normal? 16:02:26

6 MR. BAKER: Objection to form. 16:02:28

7 THE WITNESS: I don't remember. I don't know that 16:02:32

8 anyone has asked me to pass judgment on [REDACTED] 16:02:36

9 BY MR. GONZALEZ: 16:02:36

10 Q. So you may have answered my next question, 16:02:40

11 which is, did anybody ask you, after you provided 16:02:43

12 information on [REDACTED] activity, whether or not the 16:02:47

13 activity that you noticed was abnormal? 16:02:52

14 A. I don't remember. 16:02:54

15 (Defendants' Exhibit 2224 was marked.) 16:03:25

16 THE WITNESS: And for what it's worth, folks were 16:03:28

17 not that interested in my opinions; they were just 16:03:30

18 interested in information. 16:03:42

19 Whoa. What is this? 16:03:44

20 BY MR. GONZALEZ:

21 Q. Good question. You must have read my 16:03:48

22 outline. 16:03:48

23 Why don't you answer your own question. 16:03:50

24 What is this? 2224. I had to kill a small 16:03:53

25 tree for this one. And that was only because your 16:03:57

1 Q. Next bullet point says, "Since these are 16:47:29
2 arbitrary passwords, feel no guilt in saving your 16:47:34
3 password when prompted." 16:47:35

4 What did you mean when you wrote that? 16:47:38

5 A. Yeah, so when you sign -- or when you are 16:47:41
6 checking out a repository with Tortoise, you are 16:47:44
7 presented with a credential box with user name and 16:47:48
8 password. And there's a check box underneath to save 16:47:52
9 this for future transactions. And we wanted to make 16:47:56
10 sure that folks would not feel bad about ticking that 16:48:00
11 box. Because the whole reason that we were using 16:48:03
12 arbitrary passwords was to enable ticking that box. 16:48:08

13 Q. Next sentence, you said, "Let me know if 16:48:11
14 there are any gremlins." 16:48:12

15 What did you mean by that? 16:48:13

16 A. This was a new service that was not well 16:48:16
17 tested, and we wanted to know if people were having 16:48:20
18 problems, were requests timing out, were transactions 16:48:24
19 not going through, any number of little issues. 16:48:28

20 Q. Did you hear of any issues? 16:48:34

21 A. I don't remember, but I don't think anyone 16:48:36
22 had problems. 16:48:38

23 MR. CHATTERJEE: Let's mark this as -- 16:48:44

24 What is it, 2226? 16:48:46

25 THE REPORTER: Yes. 16:48:48

1 (Defendants' Exhibit 2226 was marked.) 16:49:02

2 BY MR. CHATTERJEE: 16:49:02

3 Q. Mr. Zbrozek, I've handed you a document dated 16:49:05

4 March -- it's an e-mail from you to Anthony 16:49:08

5 Levandowski dated 18 March 2015 at 4:00 -- well, 16:49:13

6 16:16:14. 16:49:15

7 Do you see that? 16:49:16

8 A. Yes. 16:49:17

9 Q. Do you know what this is? 16:49:20

10 A. This looks like a randomly generated 16:49:24

11 password. 16:49:25

12 Q. If you look at the timing of this compared to 16:49:28

13 the exhibit that we just talked about, it was sent 16:49:33

14 about 10 minutes -- a little less than 10 minutes 16:49:36

15 afterwards. 16:49:37

16 Do you see that? 16:49:37

17 A. I do. 16:49:39

18 Q. Do you know if you were sending 16:49:43

19 Mr. Levandowski a password to use the SVN server on 16:49:48

20 18th of March 2015? 16:49:50

21 MR. BAKER: Objection to form. 16:49:53

22 THE WITNESS: I don't remember, but that seems 16:49:55

23 likely. 16:49:56

24 BY MR. CHATTERJEE: 16:49:56

25 Q. And why would you be sending him a password 16:49:58

1 to the SVN server if he wasn't using it? 16:50:02

2 MR. BAKER: Same objection. 16:50:05

3 THE WITNESS: The way that this was -- let me 16:50:10

4 rephrase. 16:50:11

5 I was going down the list of people who had 16:50:15

6 been granted access as part of [REDACTED] and 16:50:20

7 migrating all of the accounts. So this means that he 16:50:23

8 would have been on the access control list for the 16:50:25

9 previous service. 16:50:27

10 BY MR. CHATTERJEE: 16:50:27

11 Q. So he was on the access control list for 16:50:29

12 [REDACTED]; right? 16:50:32

13 A. For our repository hosted there. 16:50:36

14 Q. He was also put on the access control list 16:50:38

15 for the new SVN repository; right? 16:50:41

16 A. That's right. 16:50:42

17 Q. And you gave him a password for it; right? 16:50:44

18 A. Clearly. 16:50:46

19 Q. Did you do anything to understand whether or 16:50:49

20 not people had actually been using the [REDACTED] 16:50:54

21 repository? 16:50:56

22 A. I don't remember. 16:50:57

23 Q. Were you or anyone else you know of trying to 16:51:03

24 monitor the usage of the system to determine whether 16:51:09

25 someone should be on or off the access control list? 16:51:13

1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby
declare:

3 That, prior to being examined, the witness named
in the foregoing deposition was by me duly sworn
4 pursuant to Section 30(f)(1) of the Federal Rules of
Civil Procedure and the deposition is a true record of
5 the testimony given by the witness;

That said deposition was taken down by me in
6 shorthand at the time and place therein named and
thereafter reduced to text under my direction;

7 ----- That the witness was requested to
8 review the transcript and make any changes to the
transcript as a result of that review pursuant to
9 Section 30(e) of the Federal Rules of Civil Procedure;

----- No changes have been provided by the
10 witness during the period allowed;

11 ----- The changes made by the witness are
12 appended to the transcript;

--X--- No request was made that the transcript
13 be reviewed pursuant to Section 30(e) of the Federal
14 Rules of Civil Procedure.

I further declare that I have no interest in the
15 event of the action.

16 I declare under penalty of perjury under the laws
17 of the United States of America that the foregoing is
true and correct.

18 WITNESS my hand this 7th day of September, 2017.
19
20
21
22

23 
24

25 ANRAE WIMBERLEY, CSR NO. 7778